APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,987	10/17/2003	Christopher J. Cormack	42P17666	1395

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EXAMINER
THOMAS, JASON M

ART UNIT	PAPER NUMBER
2423	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 July 2011*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on
_____; the restriction requirement and election have been incorporated into this action.
4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5) ☒ Claim(s) *1-3,5-11,13-17,19-22,24-28 and 30* is/are pending in the application.
    5a) Of the above claim(s) _____ is/are withdrawn from consideration.
6) ☐ Claim(s) _____ is/are allowed.
7) ☒ Claim(s) *1-3,5-11,13-17,19-22,24-28 and 30* is/are rejected.
8) ☐ Claim(s) _____ is/are objected to.
9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10) ☐ The specification is objected to by the Examiner.
11) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 12,

2011 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5-11, 13-17, 19-22, 24-28 and

30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

1.   Claims 5-6 and 20-24 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Claims 5-6 and 20-24 recite a "tangible machine-readable medium", however

based on the broadest reasonable interpretation of a " tangible machine-readable

medium " such a medium is not restricted to a physical medium and as such can be

interpreted to read on a "carrier wave" or other non-tangible matter (see

Specification [0052]) and therefore does not fall into any of the statutory categories

presented under 35 U.S.C. 101. The examiner would suggest language such as "a

computer readable storage device", "a computer readable non-transitory storage

medium" or "where the medium is not a signal".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.   Claims 25-28 and 30 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

3.   Claims 26-28 and 30 recite the limitation "the tuner of Claim 25" in line 1 or each

claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-3, 5-11, 13-17, 19-22, 24-28 and 30 are rejected under 35

U.S.C. 103(a) as being unpatentable over Chang, (U.S. Patent No. 5,543,851), in view

of Agnihotri et al., (WO 03/030018 A1) and Molaro et al., (U.S. Pub. No. 2006/0262219

A1).

Regarding claims 1, 5, 7, 14 and 20: Chang discloses an apparatus and a

method of using an apparatus executing software code using a processing unit (see

[col. 3, ll. 42-53]) comprising: a video receiver for receiving a video signal with

encoded text data, the encoded text being encoded into the video signal as text (see

[abstract], [fig. 1], [figs. 1, 2], [fig. 9], [col. 1, ll. 32-35], [col. 1, ll. 49-53], [col. 2, ll. 32-

53] for receiving a video signal with embedded caption data which is extracted from

the received signal); a decoder for decoding the encoded text data from within the

video signal (see [abstract], [fig. 1 item 20], [fig. 2 and 8 item 32], [col. 1, ll. 11-16],

[col. 1, ll. 49-53] for decoding the extracted caption data); a text translator for

processing the decoded text data to generate character images representing the

decoded text data (see [abstract], [fig. 5b], [col. 1, ll. 58-67], [col. 3, ll. 23-35], [col. 3,

ll. 42-53], [col. 4, ll. 9-16], [col. 4, ll. 44-47], [col. 5, ll. 43-46] for processing the text to

obtain a translation and generating character images to be displayed on the screen

to represent the caption data); and a video processor to generate character images

of the closed caption data with a video portion of the video signal for display (see

[abstract], [fig. 4 item 410], [figs. 5a & 5b], [fig. 9], [col. 2, ll. 65-66], [col. 4, ll. 20-26],

[col. 4, ll. 40-50] for a processor which combines the text with the video for display

which inherently requires video processing to accomplish) however, Chang is silent

on superimposing the translated text data in the form of character images over images of a video portion of the video signal for display to include the translated text as part of the video images.

Agnihotri teaches an apparatus which can be operated by executing a set of programmable instructions where said apparatus among other things is capable of translating text data, filtered from an audio/video signal, into a target language and displaying the translated text data while simultaneously playing the audio/video component of the synchronized signal (see [abstract], [pg. 3, ll. 19-29], [pg. 6, ll. 27-30], [pg. 8, ll. 4-9]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to use an executable code to instruct an apparatus which displays translated text, synchronized to be displayed together on the same display, with video, as taught in Agnihotri, when creating a system capable of translating text as instructed by a processing unit, as taught in Chang, because superimposing the translated text on the active video which is being played and watched by a viewer allows him or her to watch the video and read the translation simultaneously without having to alternate their attention between the two (see [pg. 2, ll. 10-17]).

Agnihotri however is silent with regards to including the translated text as part of the video images.

In an analogous field of endeavor, Molaro teaches modifying the conventional means of displaying closed captioning (i.e. where captioning is directly overlayed on the video) by superimposing the closed captioning onto the video images, using

alpha blending techniques such that the closed captioning is part of the video images (see e.g. [abstract], [0021], [0027], [0029], [claim 28]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify method of displaying the closed captioning, by using alpha blending techniques to superimpose the closed captioning to be included as part of the video images, as taught by Molaro, in order to minimize the obstructions to the video and enhance the viewer experience by making the dialog easier to follow.

Regarding claim 25: The combined teachings of the aforementioned prior art discloses a wireless video receiver (see Chang e.g. [col. 2, ll. 42-48], [col. 7, ll. 6-11] for a wireless video receiver) comprising: a video receiver to receive a video signal with encoded text data, the encoded text data being encoded into the video signal as text (see Chang e.g. [abstract], [fig. 1], [fig. 2], [fig. 9], [col. 1, ll. 32-35], [col. 1, ll. 49-53], [col. 2, ll. 32-53]); a decoder to decode the encoded text data from within the video signal (see Chang e.g. [abstract], [fig. 1 item 20], [fig. 2 and 8 item 32], [col. 1, ll. 11-16], [col. 1, ll. 49-53]); a text processor to process the decoded text data (see Chang e.g. [abstract], [fig. 5b], [col. 1, ll. 58-67], [col. 3, ll. 42-53], [col. 4, ll. 9-16], [col. 4, ll. 44-47], [col. 5, ll. 43-46] for processing the text to obtain a translation); and a video processor to combine the translated text data with a video portion of the video signal for display to include the translated text as part of the video images (see Chang e.g. [abstract], [fig. 4 item 410], [figs. 5a & 5b], [fig. 9], [col. 2, ll. 65-66], [col. 4, ll. 20-21], [col. 4, ll. 40-50] for a processor to combine the text with the video for display; see Agnihotri e.g. [abstract], [pg. 3, ll. 19-29], [pg. 6, ll. 27-30], [pg. 8, ll. 4-9]

for translating text data, filtered from an audio/video signal, into a target language

and displaying the translated text data while simultaneously playing the audio/video

component of the synchronized signal; see also Molaro e.g. [abstract], [0021],

[0027], [0029], [claim 28] for superimposing the closed captioning onto the video

images, using alpha blending techniques such that the closed captioning is part of

the video images; see also the rejections of claims 1, 5, 7, 14 and 20).

Regarding claim 2: The combined teachings of the aforementioned prior art

discloses wherein the encoded text data comprises closed caption data (see Chang

e.g. [abstract], [fig. 2 and 8 item 32], [col. 1, ll. 31-38], [col. 2, ll. 34-38]).

Regarding claim 21: Change in view of Agnihotri, discloses wherein

decoding the text data comprises extracting a text data packet from a video transport

stream of the video signal (see Agnihotri e.g. [pg. 3, ll. 19-27], [pg. 4, ll. 25-30] for

extracting text data from a video stream).

Regarding claims 3, 10, 11 and 28: The combined teachings of the

aforementioned prior art discloses wherein the text translator further comprises a

dictionary and a processor to apply the decoded text data to the dictionary to correct

and translate the text data and to obtain the processed text data (see Chang e.g.

[abstract], [fig. 5b], [col. 1, ll. 58-67], [col. 4, ll. 9-13], [col. 5, ll. 43-46], [col. 5, ll. 55-

57] for a dictionary or a memory storage of definitions used for correcting and

translating the text data thus able to obtain the processed data).

Regarding claims 13, 19, 24 and 30: The combined teachings of the

aforementioned prior art discloses wherein the video processor encodes the

translated text into text data and substitutes the encoded translated text data for the

encoded text data of the received video signal (see Chang e.g. [abstract], [fig. 4 item

410], [figs. 5a & 5b], [fig. 9], [col. 2, ll. 65-66], [col. 4, ll. 20-21], [col. 4, ll. 40-50]

where the microprocessor displays a video image using a display signal which can

be displayed with or without the processed caption text which inherently requires

inserting the processed text data into the display signal thus combining the character

images over the video image signal; see also Agnihotri e.g. [abstract], [pg. 6, ll. 27-

30] for said text data being translated text data).

Regarding claims 8, 15 and 26: The combined teachings of the

aforementioned prior art discloses wherein the decoder reads data from a vertical

blanking interval of the video signal (see Chang: [col. 3, ll. 5-12] where the data is

read by the decoder from the conventional VBI).

Regarding claims 9, 16 and 27: The combined teachings of the

aforementioned prior art discloses wherein the decoder comprises a digital video

transport stream decoder (see Chang e.g. [fig. 1 item 16], [col. 2, ll. 48-58], [col. 3, ll.

13-16], [col. 7, ll. 20-22] for a tuner capable of decoding a video transport stream).

Regarding claims 6, 17 and 22: Chang teaches the use of a dictionary (see

[fig. 5a, 528]) but does not explicitly teach the use of a phrase dictionary.

Agnihotri, however explicitly teaches wherein translating text data comprises

applying phrases in the decoded text data to a phrase dictionary (see [abstract] for

language databases which include a metaphor interpreter; see also [col. 2, ll. 26-29],

[col. 3, ll. 30-32], [col. 5, ll. 27-31]).

At the time the invention was made, it would have been obvious to one of
ordinary skill in the art to interpret phrases, as taught in Agnihotri, to assist in the
interpretation closed caption data, as taught in Chang, because by interpreting a
phrase rather than a literal translation the information conveyed will be less likely to
be out of context (see [pg. 2, ll. 10-14]).

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to JASON THOMAS whose telephone number is (571)270-
5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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